

establishing an exclusion zone with restricted access thereto, wherein the exclusion zone includes the site of the suspected biological attack;

establishing a contamination reduction zone adjacent to the exclusion zone, wherein a person entering the exclusion zone or exiting from the exclusion zone does so through the contamination reduction zone, and wherein the contamination reduction zone has located therein means for decontaminating personal protective equipment worn by the person exiting the exclusion zone;

establishing a support zone adjacent to the contamination reduction zone, wherein the support zone is a clean zone and wherein the support zone includes dressing facilities and equipment; and

monitoring weather conditions at the site.

Applicants respectfully traverse the rejection of claim 30 under 35 U.S.C. § 112, second paragraph. The examiner has provided no evidence or explanation of why "conducting remediation activities" is an "essential step" or why the omission of "conducting remediation activities" would render claim 30 indefinite to one of ordinary skill in the art. In addition, claim 30 already recites, "conducting remediation activities." Therefore, the rejection is moot.

Applicants respectfully traverse the rejection of claims 36 and 38 under 35 U.S.C. § 112, second paragraph. The examiner has provided no evidence or explanation of why "establishing conditions of readiness" is an "essential step" or why the omission of "establishing conditions of readiness" would render claims 36 and 38 indefinite to one of ordinary skill in the art. In addition, claims 36 and 38 recite, "establishing conditions of readiness." Therefore, the rejection is moot.

Applicants respectfully traverse the rejection of claims 30-38 under 35 U.S.C. § 102(e) as anticipated by Lejeune. Lejeune fails to disclose the subject matter of claims 30-38.

Lejeune discloses a system, method, and apparatus for the rapid detection of airborne biological agents (title). To detect airborne biological agents, Lejeune discloses a filtering system for parallel filtering ambient air (paragraph 0006). Once detected, Lejeune suggests implementing, "a measured remedial response, which may involve a range of actions including evacuations, quarantines, educational and information campaigns, and the administration of medical treatment." (Paragraph 0005). According to Lejeune, "Preferred embodiments of the mobile command unit 112 further employ a weather monitoring station 118 that includes a vane for wind direction and a wind speed meter." (Paragraph 0030).

Lejeune fails to disclose at least establishing an exclusion zone, establishing a contamination reduction zone, and establishing a support zone as recited in claim 30. Therefore, Lejeune fails to anticipate independent claim 30 or its dependent claims 31-38.

Applicants therefore request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 12, 2009

By: /Michael R. Kelly/
Michael R. Kelly
No. 33,921